



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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Date of Grievance : 16/2/2013
Date of Order : 11/3/2013
Period taken : 24 Days

IN THE MATTER OF GRIEVANCE NO. K/E/691/817 OF 2012-2013 OF
M/S. MANJEETSING HARCHANDSING, ULHASNAGAR REGISTERED
WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE,
KALYAN ABOUT EXCESSIVE BILLING.

Mr. Manjeetsing Harchandsing
C/78, Near Century Hsg. Colony
Ulhasnagar – 3

(Here-in-after
as consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer , Sub-Dn.III
Ulhasnagar 421 301
Dist. Thane.

(Here-in-after
referred
as licensee)

(Per Shri Sadashiv S. Deshmukh, Chairperson)

- 1) This Consumer Grievance Redressal Forum has been established under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers. The regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).
- 2) The consumer is a L.T. consumer of the licensee. The Consumer is billed as per residential tariff. Consumer registered grievance with the Forum on 16/2/2013 for refund of amount against theft Excessive Energy Bills. The details are as follows: -
Name of the consumer :- Manjeetsing Harichandsing
Address : - As given in the title
Consumer No . : - 021510605109/2

Reason of dispute : Theft Excessive Energy Bills.
- 3) We the Members of the Forum heard this matter with Grievance No. 817 from time to time and lastly on 11/3/2013 at 15.30 hrs. in the meeting hall of the Forum’s office. On behalf of consumer Shri Jagensing Rajput (Consumer Representatives) & Mr. Giradkar, Nodal Officer and Mr. Shendge, Dy. Executive Engineer, MSEDCL were present.
- 4) Mr. Jagensing Rajput for consumer made submissions in continuation to the written material placed on record.

Mr. Giradkar, Nodal Officer and Mr. Shendge, Dy. Ex. Engineer attended and filed reply. We heard both sides.

- 1) On the basis of material placed before us and arguments advanced , following factual aspects disclosed.
 - a) Consumer is having electric connection of Licensee from 10/1/1992.
 - b) On 10/6/2011 consumer approached Dy. Executive Engineer, Ulhasnagar, writing a letter for checking his meter which at times found “ stopped”. A copy of his letter (zerox) is on record showing acknowledgement of said office. As per said letter no any action taken is reported and as per Clause 14.4.3 of Supply Code, testing report was to be provided within 2 months from the date of request and accordingly this aspect is clear.
 - c) On 7/11/2011 Licensee replaced consumer’s meter and old meter which was taken; was tested on 18/11/2011. During the testing it was disclosed there was no display and body of meter was found tampered from top side of meter, there was a hole.
- d) On this basis inspection done. Licensee consider the quantum of readings recorded after installation of new meter ,took action under Section of 135 of

Elect. Act (Theft case) seeking recovery for last 18 months for 2779 units and bill to that effect was issued on 28/11/2011 for Rs. 29520/-. It is fact that

consumer paid the said amount on 30/11/2011 alongwith compounding charges of Rs. 8000/-. Accordingly no any further action was pursued for filing criminal case against accused .

e) After paying the dues claimed towards the action under Section 135 of Elect. Act and paying compounding charges of Rs.8000/- consumer has not raised any objection about the act of Licensee till 29/10/2012.

f) Consumer for the first time approached Chief Engineer of the Licensee at Prakash Gad, Bandra on 30/11/2012 making the grievance about the aforesaid action. He attributed negligence and made allegations against Officers and sought action. No any action is taken as per the said letter.

2) Consumer approached to this Forum on 16/2/2012 with same allegations contained in the letter dt. 30/11/2012. These contentions are replied by Licensee vide reply dated 8/3/3012 and claimed that as per Clause 6.8 of MERC Regulations this Forum has no jurisdictions as matter is dealt under Section 135 of Elect. Act.

- 3) Both sides argued in terms of their contentions. Admittedly there is no action of testing the meter, as prayed by the consumer on 10/6/2011 as per provisions of supply code. If any such request is made copy of report is to be provided to the consumer within two months. This aspect is against Officers of Licensee. We tried to have assistance of consumer's representative , what can be the action for such failure ?. However no any specific provision is made available to deal such situation or to provide any compensation / charges. Accordigly we find for want of any such specific provision, CGRF cannot deal the situation. Liberty is always available to the aggrieved party for approaching other appropriate Forum available .
- 4) In respect of the proceeding under Section 135 of Elect. Act position is clear .Already Licensee proceeded with the action. Consumer in pursuance of it paid the dues and compounding charges. Hence said act is hit under MERC Regulation 6.8 this Forum looses jurisdiction. In case of contention of consumer about amount recovered forcibly under threat it is an independent act which results in a criminal act as action in Civil Court said aspect cannot be dealt in this Forum as this Forum is not provided with those powers and mode of calling parties to prove it and to punish. Under such circumstances we find the 2nd part of consumer prayer is hit by bar of jurisdiction. Accordingly grievance is to be dismissed.

ORDER

- 1) Grievance of consumer is dismissed for want of jurisdiction and for want of provision for granting the reliefs claimed .
- 2) The Consumer can file representation against this decision with the Hon. Electricity Ombudsman within 60 days from the date of this order at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.

- 3) Consumer, as per section 142 of the Electricity Act, 003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

Date : 12/3/2013

(Mrs.S. A. Jamdar)
Member
C.G.R.F. Kalyan

(R. V. Shivdas)
Member Secretary
C.G.R.F. Kalyan

(Sadashiv S. Deshmukh)
Chairperson,
C.G.R.F. Kalyan

